

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
DUSTIN ERWIN,)	
)	
Plaintiff)	
)	
v.)	C.A. No. 1:11 CV 11328
)	
CHRISTOPHER MCDERMOTT,)	
DARVIN ANDERSON,)	
THE CITY OF BROCKTON, and)	
FOXY LADY, INC.,)	
)	
Defendants)	
_____)	

AFFIDAVIT OF ROBERT S. SINSHEIMER

I, Robert S. Sinsheimer depose and on my oath do swear:

1. I am counsel for the plaintiff.
2. Prior to filing suit in this matter, I personally conducted a search of records at the Massachusetts Secretary of State's office. The records indicated that a corporation known as "Foxy Lady, Inc." had offices close to Brockton, Massachusetts, and was in the business of owning and operating night clubs. One "Thomas Tsoumas" was named as resident agent. A copy is attached as Exhibit 1.
3. I then did a search of "Foxy Lady" and Brockton. This immediately produced a website listing locations in Providence and Brockton. It urged the public to "Click on one of our World Famous Locations" – clearly implying joint ownership of some kind. A copy is attached as Exhibit 2.

4. I then did a web search for the name “Thomas Tsoumas.” The search instantly revealed a news article from The Providence Journal. A copy is attached as Exhibit 3.
5. In the article, Mr. Tsoumas is described as “the operator” of the Providence “Foxy Lady.”
6. Thus, it appears beyond peradventure that Mr. Tsoumas has knowledge of the precise form of ownership.
7. His deposition has been noticed for February 9, 2012.

SIGNED THIS 27th DAY OF JANUARY 2012 UNDER THE PAINS AND PENALTIES OF PERJURY.

/s/ Robert S. Sinsheimer
Robert S. Sinsheimer

Certificate of Service

I hereby certify that this document filed through the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 27, 2012.

/s/ Robert S. Sinsheimer